

REMARKS/ARGUMENTS

In the Office Action mailed August 19, 2008 (hereinafter, "Office Action"), claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102. Claims 8-10 and 18-20 stand rejected under 35 U.S.C. § 103. Claims 1 and 11 have been amended.

Applicants respectfully respond to the Office Action.

I. Claims 1-7 and 11-17 Rejected Under 35 U.S.C. § 102

Claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by "DigitalDeck Entertainment Network" by DigitalDeck Incorporated (hereinafter, "DDen"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

In the present case, independent claim 1 has been amended to recite that "the first wireless controller is the controller associated with the first legacy entertainment source." In other words, as taught by the specification, the remote controller 104a, 104b is the remote controller associated with the legacy entertainment source. In contrast, DDen teaches (and the Office Action acknowledges) that the DDen system operates using a "universal" remote that controls the system. (See e.g., Office Action, p. 4.) This universal remote does not satisfy the claim element that the controller be the controller associated with the first legacy entertainment source.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn because DDen does not disclose all of the subject matter of claim 1.

Claims 2-7 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-7 be withdrawn.

Claim 11 includes subject matter similar to the subject matter of claim 1. Accordingly, Applicants respectfully request that the rejection of claim 11 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 12-17 depend either directly or indirectly from claim 11. Accordingly, Applicants respectfully request that the rejection of claims 12-17 be withdrawn.

II. Claims 8-10 and 18-20 Rejected Under 35 U.S.C. § 103(a)

Claims 8-10 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DDen in view of “Installing and Configuring the Cisco Secure ACS Appliance,” (hereinafter, “Cisco”) in further view of U.S. Patent No. 4,808,992 to Beyers Jr. et al. (hereinafter, “Beyers”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, “obviousness requires a suggestion of all limitations in a claim.” In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

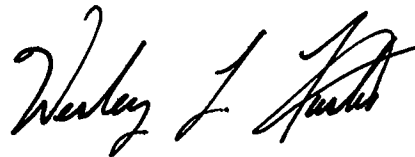
Appl. No. 10/786,704
Amdt. dated November 19, 2008
Reply to Office Action of August 19, 2008

Claims 8-10 depend indirectly from claim 1. Claims 18-20 depend indirectly from claim 11. Accordingly, Applicants respectfully request that the rejection of claims 8-10 and 18-20 be withdrawn.

III. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant(s)

Date: November 19, 2008

MADSON & AUSTIN
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: (801) 537-1700